

Message Text

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PAGE 01 STATE 015069
ORIGIN ARA-14

INFO OCT-01 ISO-00 L-03 SAB-02 CIAE-00 DODE-00 INR-07
NSAE-00 PA-02 USIA-15 PRS-01 SP-02 SS-15 NSC-05
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DRAFTED BY ARA/PAN:CDAVIS:ASM
APPROVED BY R/PAN - MR' WYROUGH
L - MR. FINN
S/AB - AMB. BUNKER
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FM SECSTATE WASHDC
TO AMEMBASSY PANAMA PRIORITY

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E.O. 11652:

TAGS: PEPR; PN

SUBJECT: QUESTIONS TAKEN AT 1/18/78 NOON BRIEFING

Q: WHAT KIND OF LEGAL VALIDITY DOES THE TORRIJOS-CARTER
STATEMENT HAVE? IS IT VALID? IS IT BINDING ON ANY
PARTY IF IT IS NOT IN THE TREATY, BUT ONLY AS A JOINT
STATEMENT?

A: THE CARTER-TORRIJOS STATEMENT OF OCTOBER 14 IS
LEGALLY BINDING. IT IS AN AUTHORITATIVE INTERPRETATION
OF THE US-PANAMA NEUTRALITY TREATY TO WHICH BOTH PARTIES
WOULD GIVE FULL EFFECT. THE US COURTS WOULD RECOGNIZE
IT AS A BINDING UNDERSTANDING.

Q: WHAT PROVISION OF THE PANAMA CANAL TREATIES APPLIES
TO A SITUATION OF KEEPING THE CANAL OPEN IN THE EVENT OF
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A TECHNICAL BREAKDOWN OR A STRIKE?

A: NO TREATY CAN PROVIDE AGAINST A TECHNICAL BREAKDOWN
OR A STRIKE. HOWEVER, UNDER THE NEUTRALITY TREATY AND
THE OCTOBER 14 STATEMENT OF UNDERSTANDING BETWEEN PRESI-
DENT CARTER AND GENERAL TORRIJOS IT IS CLEARLY SPELLED OUT

THAT THE UNITED STATES AND PANAMA HAVE THE RESPONSIBILITY TO ASSURE THAT THE CANAL REMAIN OPEN AND SECURE TO SHIPS OF ALL NATIONS. I AM SURE THAT BOTH GOVERNMENTS WOULD TAKE WHATEVER STEPS ARE NECESSARY TO HONOR THAT RESPONSIBILITY. AS YOU KNOW THE CANAL WILL REMAIN UNDER THE CONTROL OF THE US GOVERNMENT UNTIL THE YEAR 2000 AND IT IS ILLEGAL TO STRIKE AGAINST THE GOVERNMENT. I DO NOT WISH TO SPECULATE ON ANY HYPOTHETICAL SITUATION WHICH MIGHT ARISE AFTER 2000 WHEN PANAMA ASSUMES FULL CONTROL. HOWEVER, IT IS IN PANAMA'S BEST INTEREST TO KEEP THE CANAL OPEN. UNDER THE NEW TREATIES THE CANAL WILL PROVIDE AN INCREASING AMOUNT OF REVENUE TO THE PANAMANIAN ECONOMY. I THEREFORE BELIEVE THAT PANAMA WOULD MOVE QUICKLY TO RESOLVE ANY PROBLEMS CAUSED BY A STRIKE. CHRISTOPHER

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